

Message Text

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AMEMBASSY PARIS
AMEMBASSY RABAT
AMEMBASSY TEHRAN
AMCONSUL LUBUMBASHI
AMEMBASSY BRAZZAVILLE

C O N F I D E N T I A L SECTION 1 OF 3 KINSHASA 7887

E.O. 11652: GDS
TAGS: PGOV, PINT, PINS, CG
SUBJECT: ZAIRE'S LEGISLATURE INCREASINGLY DEFIANT OF MOBUTU

1. SUMMARY: ZAIRE'S LEGISLATIVE COUNCIL BEGAN THE YEAR WITH A SPIRITED BUT EVENTUALLY INEFFECTUAL ATTEMPT TO AMEND THE ZAIRIAN CONSTITUTION IN ORDER TO MOVE THE COUNTRY TOWARD A MORE PARLIAMENTARY FORM OF GOVERNMENT. BY THE END OF THE COUNCIL'S SESSION IN JULY, THE GROWING ASSERTIVENESS OF THAT BODY PROVOKED MOBUTU TO SEEK NEW WAYS OF KEEPING IT IN LINE. THESE WERE ONLY PARTIALLY SUCCESSFUL, AND SOME COUNCIL MEMBERS CLAIM THEY WILL CONTINUE TO SEEK CONFRONTATION WITH MOBUTU IN ORDER TO FORCE HIM EITHER GENUINELY TO IMPLEMENT REFORMS OR TO DISOLVE THE COUNCIL AND THUS REVEAL WHAT THEY CONSIDER TO BE THE HOLLOWNESS OF HIS PLEDGE TO LIBERALIZE HIS REGIME. WITH THIS IN MIND, MOBUTU MAY YET FEEL
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OBLIGED TO PAY GREATER HEED TO THE COUNCIL'S DEMANDS THAN HE HAS SO FAR. END SUMMARY.

2. ZAIRE'S REASONABLY COMPETITIVE LEGISLATIVE ELECTIONS IN NOVEMBER 1977 YIELDED A PARLIAMENTARY BODY EAGER TO RECOVER THE PREDOMINANT ROLE ITS PREDECESSOR PLAYED DURING THE FIRST CONGOLESE REPUBLIC (1960-65). MOBUTU'S DECISION

TO SUBMIT THE LEGISLATURE FOR ITS APPROVAL AMENDMENTS TO ZAIRE'S CONSTITUTION, WHICH HAD BEEN DRAFTED BY THE POLITICAL BUREAU UNDER HIS DIRECTION, PROVIDED LEGISLATORS WITH THEIR FIRST OPPORTUNITY TO CHALLENGE THE PRESIDENT'S MONOPOLY OF POLITICAL POWER. THEIR ATTEMPT TO DO SO WAS FINALLY UNSUCCESSFUL, BUT THEY MANAGED TO LAY THE GROUNDWORK FOR SUBSEQUENT MOVES TO EXERT INCREASING PRESSURE ON THE MOBUTU REGIME.

3. DURING THE CONSTITUTIONAL DEBATE IN JANUARY, LEGISLATORS SOUGHT GENUINE POLITICAL AND ECONOMIC DECENTRALIZATION. THEY PROPOSED A TWO-PARTY SYSTEM, COMPETITIVE PRESIDENTIAL ELECTIONS, MAKING THE OFFICE OF THE REGIONAL COMMISSIONER ELECTIVE RATHER THAN APPOINTIVE, AND STRENGTHENING THE POWERS OF THE PRIME MINISTER (FIRST COMMISSIONER) AND THE LEGISLATIVE COUNCIL AT THE EXPENSE OF MOBUTU AND HIS PRESIDENT OF THE JUDICIAL COUNCIL, KENGO WA DONDO.

4. AS THE GOZ REPRESENTATIVE DESIGNATED BY MOBUTU TO DEFEND THE POLITICAL BUREAU'S HANDIWORK, KENGO SOUGHT TO MAINTAIN THE APPEARANCE OF PARLIAMENTARY DEMOCRACY. TIME AND AGAIN, HOWEVER, HE WAS FORCED TO CUT OFF THE COUNCIL'S ATTEMPT TO AMEND A PARTICULAR ARTICLE BY CLAIMING THAT IT REFLECTED AN "OPTION" OF THE POLITICAL BUREAU AND THEREFORE COULD NOT BE ALTERED BY THE POLITICALLY SUBORDINATE LEGISLATURE. WHEN HE AND MOBUTU-APPOINTED PRESIDENT OF THE LEGISLATIVE COUNCIL BOBOLIKO WERE THEN ACCUSED OF ORGANIZING A CHARADE, THEY RELUCTANTLY ADMITTED

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THAT THE LEGISLATURE WAS FREE TO DISCUSS, BUT NOT TO ALTER, DECISIONS OF THE POLITICAL BUREAU. IN EXPLAINING TO THE FULL LEGISLATURE WHY THE COMMITTEE WHICH ORIGINALLY DEBATED THE DRAFT CONSTITUTION HAD LEFT IT INTACT, BOBOLIKO CLAIMED LAMELY THAT, "IF THE COMMITTEE CHANGED NOTHING THAT DOESN'T MEAN THAT IT DIDN'T HAVE THE POWER, BUT SIMPLY THAT THE CONSTITUTION WAS WRITTEN BY THE POLITICAL BUREAU." THE FINAL VOTE, REFLECTING THE EFFECTIVE USE BY KENGO AND BOBOLIKO OF A BLEND OF INTIMIDATION AND PERSUASION, REGISTERED NO OPPOSITION AND ONLY THREE ABSTENTIONS.

5. IN THE WAKE OF THEIR FAILURE TO AMEND THE CONSTITUTION, SOME MEMBERS OF THE LEGISLATIVE COUNCIL CONCLUDED THAT ANY FURTHER ATTEMPT TO EXPAND THEIR POWERS WOULD BE FUTILE. THE MAJORITY, HOWEVER, CONTINUED TO NIBBLE AWAY AT THE REGIME WHENEVER THE OPPORTUNITY PRESENTED ITSELF. DESPITE OCCASIONAL SMALL TRIUMPHS, THEY MADE LITTLE HEADWAY UNTIL THE OUTBREAK OF SHABA II, WHEN MOBUTU'S PRIVATE CONTEMPT FOR THE LEGISLATURE WAS EXPRESSED IN HIS ORDER FORBIDDING COUNCIL MEMBERS TO DISCUSS THE OCCUPATION OF KOLWEZI OR ITS AFTERMATH. ONCE IT BECAME CLEAR THAT MOBUTU'S GRIP ON POWER HAD BEEN WEAKENED BY KOLWEZI, HOWEVER, THEY BECAME MORE AGGRESSIVE.

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6. ON TWO OCCASIONS IN JUNE THE LEGISLATORS REFUSED TO HEED BOBOLIKO'S ARGUMENT THAT WHAT THEY SOUGHT TO DO WAS CONTRARY TO "OPTIONS" OF THE POLITICAL BUREAU AND THUS VILATED MPR DISCIPLINE. THE FIRST INSTANCE CONCERNED A BILL, SUBMITTED BY PUBLIC ADMINISTRATION COUNCIL PRESIDENT BAGBENI, WHICH WAS CRITICIZED BY THE LEGISLATORS FOR FAILING TO CREATE A UNIFORM WAGE AND BENEFITS SCALE FOR ALL GOVERNMENT EMPLOYEES. THEY ATTACKED THE CURRENT SYSTEM IN WHICH A UNIVERSITY GRADUATE HIRED BY THE PRESIDENCY OR A PARASTATAL EARNs FAR MORE THAN ANOTHER WITH EQUIVALENT CREDENTIALS WHO GOES TO WORK FOR A GOZ DEPARTMENT (MINISTRY). BOBOLIKO MANAGED AFTER STRENUOUS EFFORT TO RAM THE BILL THROUGH COMMITTEE, BUT AROUSED SO MUCH HOSTILITY IN THE PROCESS THAT HE WAS VIGOROUSLY BOOED AND SHOUTED DOWN FROM THE FLOOR WHEN HE ATTEMPTED TO PREVENT THE FULL COUNCIL FROM REJECTING IT.

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7. THE SECOND MEASURE TO PROVOKE LEGISLATIVE OPPOSITION WAS A REVISION OF ZAIRIAN FAMILY LAW SUBMITTED BY KENGO. THE COUNCIL SEIZED THE OPPORTUNITY PRESENTED BY THE DRAFT LAW TO AMEND, OVER THE STRIDENT OBJECTIONS OF KENGO AND BOBOLIKO, A 1972 LAW WHICH GENEROUSLY AFFIRMED THE ZAIRIAN NATIONALITY OF A VARIETY OF GROUPS OF NON-ZAIRIAN ORIGIN. OF THESE, THE MOST RESENTED BY OTHER ZAIRIANS ARE THE BANYARWANDA, PEOPLE OF RWANDAN ORIGIN WHO OCCUPY FAR MORE POSITIONS OF POLITICAL AND ECONOMIC IMPORTANCE THAN THEIR NUMBERS IN ZAIRE WOULD SUGGEST. A DYNAMIC, WELL-ORGANIZED PEOPLE, THE BANYARWANDA HAVE ALSO BENEFITED, ALONG WITH PEOPLE OF MIXED BLOOD, FROM MOBUTU'S PENCHANT FOR FILLING KEY GOVERNMENT POSITIONS WITH INDIVIDUALS FROM MINOR OR MARGINAL RATHER THAN MAJOR, CORE POPULATION GROUPS. THE PROMINENT ROLE PLAYED BY BOTH BANYARWANDA AND METISSES UNDER MOBUTU WAS VERY MUCH ON THE LEGISLATORS' MINDS AS THEY APPROVED THE MEASURE STRIPPING THE TWO GROUPS OF THEIR CITIZENSHIP. A CLOSE APPROXIMATION OF A VOTE OF NO CONFIDENCE IN THE MOBUTU REGIME, THE MEASURE WAS REJECTED BY MOBUTU.

8. IN AN ATTEMPT TO REIMPOSE PARTY DISCIPLINE ON THE REBELLIOUS LEGISLATORS, MOBUTU REFUSED THEIR REQUEST TO EXTEND THEIR SESSION AND ORDERED THEM INSTEAD TO ATTEND A SPECIAL SESSION OF THE PARTY SCHOOL, THE MAKANDA KABOBI INSTITUTE (IMK). THE SESSION APPARENTLY BACKFIRED. MODERATE LEGISLATORS WHO UNTIL THEN HAD CLUNG TO THE BELIEF THAT THE GOZ WAS WELL-ORGANIZED WITNESSED A PARADE OF GOVERNMENT MINISTERS REDUCED UNDER HOSTILE QUESTIONING TO THE ADMISSION THAT THEY LACKED SUFFICIENT AUTHORITY TO DO THEIR JOBS. AS MINISTER AFTER MINISTER EXPLAINED WHAT HE WOULD HAVE DONE HAD ANONYMOUS SUPERIORS NOT PREVENTED HIM FROM SO DOING, THE MAJOR THEME OF THE IMK SPECIAL SESSION INADVERTENTLY BECAME THE "IRRESPONSABILITY" OF THE EXECUTIVE COUNCIL.

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9. NEAR THE END OF THE SESSION THE LEGISLATORS WERE DIVIDED INTO SEVEN COMMITTEES AND INSTRUCTED TO ANALYZE THE "LE MAL ZAIROIS." MINDFUL OF THE FATE OF THREE PARTICIPANTS IN THE FIRST IMK SESSION IN 1974, WHO WERE EXPELLED FOR UNDULY FRANK CRITICISM OF THE REGIME, SIX OF THE SEVEN COMMITTEE CHAIRMEN (THE ONE EXCEPTION HAILING FROM MOBUTU'S EQUATEUR REGION) PROMPTLY REQUESTED THAT THEIR PARLIAMENTARY IMMUNITY BE EXTENDED TO COVER THEIR PARTICIPATION IN THE IMF SESSION. HAD THEY BEEN GRANTED IMMUNITY, THEIR INTENTION WAS TO LEAD DISCUSSIONS OF THE PROPOSITION THAT MOBUTU IS "LE MAL ZAIROIS." WHEN THEIR REQUEST WAS DENIED, THEIR COMMITTEES INSTEAD REFERRED THE IMK DIRECTOR TO MOBUTU'S SPEECHES.

10. AS A FINAL ACT OF INSUBORDINATION, THE LEGISLATORS

CIRCULATED A PETITION CALLING FOR NEW ELECTIONS TO REPLACE BOBOLIKO AS PRESIDENT OF THE LEGISLATIVE COUNCIL. ALTHOUGH THE PETITION WAS SIGNED BY FIVE MORE THAN THE NECESSARY TWO-THIRDS OF THE MEMBERS, IT COULD NOT GO INTO EFFECT UNTIL THE NEXT LEGISLATIVE SESSION, CURRENTLY SCHEDULED FOR OCTOBER. WHEN INFORMED OF THE PETITION, MOBUTU THREATENED TO DISSOLVE THE LEGISLATURE IF THE PETITION WERE ACTUALLY SUBMITTED.

11. DURING THE SUBSEQUENT POLITICAL BUREAU CONCLAVE JULY 6-9, MOBUTU REPORTEDLY CRITICIZED BOBOLIKO HEATEDLY FOR HIS FAILURE TO CONTROL THE LEGISLATURE, AND DENOUNCED THE LEGISLATORS FOR NOT SHOWING HIM PROPER DEFERENCE. CLAIMING THAT THEY OWED HIM "EVERYTHING" BECAUSE WITHOUT HIS JULY 1 SPEECH THERE WOULD NOT HAVE BEEN ELECTIONS, MOBUTU REPORTEDLY REITERATED HIS THREAT TO DISSOLVE THE LEGISLATURE UNLESS MPR DISCIPLINE IS REIMPOSED.

12 ACCORDING TO OUR LEGISLATIVE SOURCES, POLITICAL BUREAU MEMBERS HAVE BEEN ORDERED BY MOBUTU TO USE WHATEVER MEANS PROVE NECESSARY TO CONVINCE THE LEGISLATORS FROM THEIR RESPECTIVE REGIONS TO DROP THEIR CONFRONTATIONAL TACTICS. THE SAME SOURCES CLAIM THAT THE LEGISLATORS WILL CONTINUE TO PROVOKE MOBUTU IN ORDER TO PREVENT HIM FROM PERSUADING THE OUTSIDE WORLD THAT WHAT HE HAS DONE THUS
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FAR CONSTITUTES GENUINE REFORM. CONVINCED THAT IT IS UNREALISTIC TO EXPECT MOBUTU TO MEND HIS WAYS, THEY SEEM INTENT UPON FORCING HIM TO DISSOLVE THE LEGISLATIVE COUNCIL IN THE BELIEF THAT SUCH ACTION MIGHT PRECIPITATE HIS DOWNFALL.

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13. CONCLUSION: WHILE FRUSTRATED AND STYMIED IN MOST OF ITS EFFORTS TO CHALLENGE MOBUTU, THE LEGISLATIVE COUNCIL HAS AT LEAST SUCCEEDED IN MAKING THE POINT THAT IT WILL NOT BE SATISFIED WITH PLAYING A MERE RUBBER-STAMP ROLE. IN FACT, THE COUNCIL DOES SEEM TO HAVE SERVED A USEFUL PROPOSE AND EVEN TO HAVE MADE SOME LIMITED HEAD WAY IN IMPRESSING UPON MOBUTU THE URGENCY OF THE COUNTRY'S PROBLEMS AND THE NEED TO IMPLEMENT REFORMS. THAT MOBUTU IS NOT ENTIRELY OBLIVIOUS TO THE COUNCIL IS REFLECTED BY THE FACT THAT HE PLACED HIS RECENT DECISION TO EXTEND AMNESTY TO THOSE DETAINED WITHIN ZAIRE FOR POLITICAL CRIMES IN THE CONTEXT OF RESPONDING TO THE COUNCIL'S DEMANDS (KINSHASA 7165). IT WOULD BE UNREALISTIC TO EXPECT MOBUTU TO YIELD MUCH GROUND TO THE LEGISLATURE; AND SHOULD THE COUNCIL START PUSHING TOO HARD HE COULD BE PROVOKED INTO TAKING THE KIND OF REPRESSIVE ACTION SOME OF THE COUNCIL'S MORE EXTREME OPPOSITIONISTS SEEM TO BE
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LOOKING FOR. IF MOBUTU IS TO AVOID SUCH A SITUATION--WHICH WOULD INEVITABLY CREATE FURTHER POLITICAL COMPLICATIONS AT HOME AND CRITICISM ABROAD--HE MAY YET FEEL OBLIGED TO PAY GREATER HEED TO THE COUNCIL THAN HE HAS TO DATE.
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